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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,020	07/23/2003	Kevin L. Parsons	89199	8420
24628	7590	10/22/2008		
Husch Blackwell Sanders, LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER PIERCE, WILLIAM M	
			ART UNIT	PAPER NUMBER
			3711	
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			10/22/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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KEVIN L. PARSONS

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Application No. 10/625,020  
Technology Center 3700

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Mailed: October 21, 2008

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 4, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

A review of the file indicates that the appellant filed a “TERMINAL DISCLAIMER” on January 8, 2007. However, there is no indication that the Examiner considered the Terminal Disclaimer January 8, 2007.

Also, on January 14, 2008, appellant filed a timely Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner:

- 1) for consideration and proper response to the “TERMINAL DISCLAIMER” filed on January 8, 2007;
- 2) for consideration and proper response to the Reply Brief filed January 14, 2008, and
- 3) for such further action as may be appropriate.

Application No. 10/625,020

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/gjh

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